

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COLLEGE OF MEDICINE AND DENTISTRY  
OF THE STATE OF NEW JERSEY

Public Employer

and

Docket No. R-97

TEAMSTERS LOCAL 286, AFFILIATED WITH  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
PUBLIC SERVICE EMPLOYEES

Petitioner

DECISION

Pursuant to an Agreement for Consent Election, a secret ballot election was conducted, by mail, under the supervision of the Commission. 1/ The balloting period ended March 1, 1971. Thereafter, a tally of ballots was served upon the parties showing that of approximately 1296 eligible voters, 206 voted for Petitioner, 273 voted against Petitioner; there were 34 void ballots and 1 challenged ballot.

On March 3, 1971 Petitioner timely filed objections to the conduct of the election and conduct affecting its results. For purposes of this decision, only one of Petitioner's objections need be considered. It is:

"The election failed to represent the free choice of the employees in view of the fact that the mailing list supplied to PERC and to the Union was grossly inaccurate, contained well over 200 wrong addresses and numerous other errors which prevented employees from obtaining ballots, casting their vote and receiving material as to the issues from the Union."

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1/ The unit is: "All employees employed by the State of New Jersey at the College of Medicine and Dentistry of the State of New Jersey including licensed practical nurses, clerical, health care and services, and operations maintenance and services employees, and part-time employees who work a minimum of 20 hours per week.

But excluding managerial executives, professional employees, registered nurses, confidential employees, craft employees and craft assistants, supervisors within the meaning of the Act, guards and policemen, and all other part-time, casual or temporary employees."

As part of the procedure for a mail ballot election, the Employer submitted to the Commission a list of the names and addresses of eligible voters and the Commission mailed a ballot to everyone named on the list. It was understood that for those ballots returned by the Post Office to the Commission as "undelivered," the Commission would notify the Employer who would then attempt to determine if the employee in question had changed his address from that listed on the Employer's payroll records. If the Commission was informed of such a change, it would make a second mailing to that employee. This was the procedure the Commission followed. Nonetheless, at the conclusion of the balloting period the Commission had in its possession 126 ballots returned by the Post Office as undelivered and for which either no better address was known or the Commission had insufficient time to make a second mailing, returnable before March 1.

By written stipulation dated June 10, 1971, the parties herein have agreed that the failure of 126 eligible voters to receive mail ballots has had a substantial effect on the outcome of the election and they have moved that the election be set aside and a new election conducted.

The undersigned takes notice of the following facts: that the Commission has in its possession, as of the close of the polling period, 126 ballots returned as undelivered by the Post Office, that there is a 67 vote difference between the two choices on the ballot, and that because of these facts the parties agree that the results of the election were substantially and materially affected and they move that the first election be set aside and a second election conducted. In light of the foregoing, the undersigned approves that stipulation of the parties and grants their request. Accordingly, the first election is set aside and a second election shall be conducted. An agent of the Commission will confer with the parties regarding the details for the conduct of the second election.

  
Maurice J. Neilligan, Jr.  
Executive Director

DATED: June 17, 1971  
Trenton, New Jersey